



Maricopa County

Air Quality Department

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This written policy is to clarify a standard business practice regarding the applicability for issuance of a NTC (Notice to Comply) Violation for non-compliance with the federal Asbestos NESHAP and Maricopa County Air Pollution Control Regulations Rule 370 Section 301.8 (Subpart M). The issuance of an NTC to all applicable liable parties (owner/operator as defined in the federal regulations) for non-compliance with the aforementioned regulations shall meet the following five criteria.

1. The only documented violation at the facility is a failure to thoroughly inspect the facility for the presence of asbestos, including Category 1 and Category 2 materials (as defined in the federal regulations), within 12 months of the commencement of demolition or renovation activity.
2. All suspect materials disturbed by the demolition or renovation activities remain secured onsite to be properly sampled.
3. A prompt and thorough inspection of all suspect materials either disturbed or to be disturbed is conducted by a currently certified AHERA (Asbestos Hazardous Emergency Response Act) Building Inspector (as defined in Maricopa County regulations). Prompt shall be defined for this applicability as within 7 calendar days of the initial inspection by Maricopa County Air Quality inspectors and discovery of the violation referenced.
4. Upon completion of the inspection for the presence of asbestos the report is submitted to Maricopa County for review and no ACM's (Asbestos Containing Materials) are identified including Category 1 or Category 2 materials.
5. No prior documented violations of the federal Asbestos NESHAP regulations or Maricopa County regulations have been issued within 5 years of date of discovery to any/all of the applicable liable parties (owner/operator as defined in the federal regulations). If prior violations have been issued to any of the aforementioned parties the issuance of an NTC shall not be applicable.

Authorized by:

Date:


8/18/10